

APPENDIX II



Attorney Docket: 845-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kuighadush

Group Art Unit: 3727

Serial No.: 09/669,245

Examiner: Moy, J.

Filed: September 25, 2000

For: RETRACTABLE STRAW FOR DRINKING CONTAINERS

DECLARATION OF JACOB COHEN, Under 37 C.F.R. § 132

RECEIVED
SEP 32 2003
TC 3700 MAIL ROOM

I, Jacob Cohen, declare as follows:

1. I am an owner of Plastirun Corporation . Plastirun is a manufacturing company that produces a variety of products including Straws, Sip Stix, Bar Stirrers, and Paper Plates. My responsibilities include the day to day management of the company and operation of various manufacturing machines within our plant.
2. I hold a Bachelor of Science Degree (1982) in Mechanical and Solar Engineering from University of Maryland. Since 1982 I have been involved in Plastirun corporation as an owner and engineer.
3. During my experience in manufacturing straws for over twenty years I have been involved with many drawings. My academic and technical background enables me to understand and interpret mechanical drawings.

4. I have reviewed the above-identified patent application, including the claims, and the Examiner's comments in his Office Action dated March 10, 2003.
5. Specifically, with respect to claim 15 of the application, the claim calls for an extendable straw, wherein the lower portion of the straw "extends downwardly against said first side wall, and wherein said upper portion is coupled with an inner side of said cap...." The Examiner states that this claim feature is not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed has possession of the invention.
6. The Examiner further states that Figures 9A and 9B only show interrupted lines to indicate a straw is broadly located inside the container. According to the Examiner, the specific orientation of the lower portion of the straw is not shown.
7. In my opinion, there is no doubt that Figures 9 A and 9 B of the application clearly depict an arrangement wherein the straw is extending against the wall of the container. This follows because the dotted lines depicting the straw are extended in parallel with both sides of the surface of the wall the straw extends along. do not exhibit any ambiguity. They clearly illustrate a straw that extends against the wall of the container. The dotted lines depicting the straw are extended in parallel with both sides of the surface of the wall the straw extends along.

8. This conclusion is even more apparent from Figs. 8A and 8B, wherein the straw is depicted as a straw that is floating within the container. In contrast with Figs 9A and 9B, the dotted lines representing the straw are not parallel with none of the sides of the surface of the walls of the container.

9. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9/5/03, 2003


Jacob Cohen